

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4600 of 2022

*Bijayananda Maharaj @
Bijayananda Choudhury*

....

Petitioner

Mr. A.K.Sahoo
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P. Tripathy
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
24.8.2022.

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 21st August, 2021 in connection with EOW Bhubaneswar P.S. Case No.10/2021 corresponding to C.T. Case No.4525/2021 pending in the court of learned J.M.F.C., Bhubaneswar for the alleged commission of the offence under Sections 419/420/467/468/471 read with Section 120-B of I.P.C.

4. This is the successive bail application filed by the Petitioner. His earlier bail application was rejected by this Court as per order dated 22nd February, 2022 passed in BLAPL No.9733 of 2021. The present application has been filed as in the mean time, the principal accused namely, Chandan Akash Mohanty has been granted bail by this Court in BLAPL No.8112/2021.

5. The prosecution case is that the Executive Engineer of OTDC lodged an FIR before the S.P., E.O.W., CID-CB, Odisha, Bhubaneswar alleging that one Dhanurdhar Champatiray, a Special Class Contractor had alleged before the Director, AOTDC that he had deposited EMD of Rs.1,14,40,000/- against 23 works in favour of one Chandan Akash Mohanty, but was awarded with only 8 works at Rambha and Barkul Panthanivas. The said Champatiray claimed to have paid Rs.5,00,000/- for each of such work orders to Chandan Akash Mohanty. It came to light that the said Chandan Akash Mohanty had issued fake work orders in favour of Champatiray and thereby had cheated it. In so far as the role of the Petitioner is concerned, he is alleged to have impersonated as Chairman of OTDC and member of ITDC and assured to get work orders in favour of Champatiray and thereby, received money from him.

6. It is submitted by learned State counsel that out of the total amount of Rs.24,20,420/- dealt with by the Petitioner, a sum of Rs.15 lakhs standing in different bank accounts has already

been frozen. Further, a sum of Rs.3,27,401.63 is lying in deposit in the account of his wife, which is also said to be frozen. Thus, a sum of Rs.4,93, 001/- remains, which was transferred to the Petitioner's account by the co-accused Bikash Maharana. Charge sheet has already been submitted in the case. The principal accused namely, Chandan Akash Mohanty, has been released on bail. In so far as the present Petitioner is concerned, he stands on a better footing inasmuch as the total financial involvement is considerably less than that of the co-accused Chandan Akash Mohanty. The Petitioner has been in custody for more than a year. He is a permanent resident of Salipur, in the district of Cuttack.

7. Considering the above facts as also the period of detention in custody, I am inclined to allow the prayer for bail. Let the Petitioner be released on bail in the aforesaid case on such terms and conditions as may be imposed by the court in seisin over the matter including the condition that he shall personally appear before the trial court on each date of posting of the case without fail. Further, he shall furnish cash security of Rs.2,00,000/-(Rupees Two Lakhs) in the shape of short term fixed deposit in any Nationalized Bank being pledged to the court below and he shall also furnish property surety of Rs.20,00,000/- (Rupees Twenty Lakhs).

8. The BLAPL is disposed of.

9. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Judge

